

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Frank J. Washington, #291556,)	Civil Action No.: 4:21-cv-02875-RBH
a/k/a Frank Jermaine Washington, #115204)	
a/k/a Frank Jermaine Washington, #82625)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Warden Kenneth Sharpe,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) [ECF No. 43] of United States Magistrate Judge Thomas E. Rogers, III, who recommends denying Defendant’s Motion to Dismiss [ECF No. 32].¹

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.² In the

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.).

² Defendant’s objections were due by June 9, 2022, and Plaintiff’s objections were due by June 12, 2022. *See* ECF Nos. 43 & 44. The Clerk mailed Plaintiff a copy of the R & R on May 26, 2022. *See* ECF No. 44. On June 16, 2022, that mailing was returned as undeliverable and the envelope was marked “INMATE RELEASED.” *See* ECF No. 48. Plaintiff has not updated his mailing address with this Court. Accordingly, it is unclear what Plaintiff’s proper mailing address is.

absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 43] and **DENIES** Defendant's Motion to Dismiss [ECF No. 32] *without prejudice*.

IT IS SO ORDERED.

Florence, South Carolina
June 30, 2022

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge